



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA

V.

FERNANDO AYALA a/k/a
JOSE ANGEL ACUNA

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CASE NO. 9:05-CR-50

MEMORANDUM ORDER
ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT'S GUILTY PLEA

By order, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Giblin conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge* [Clerk's doc. #34]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept the plea agreement. He further recommended that the Court finally adjudge Defendant as guilty on **Count 1** of the **Information** filed against Defendant in this cause.

The parties have not objected to the magistrate's findings. The Court is of the opinion that the *Findings of Fact and Recommendation on Guilty Plea* should be accepted. It is, therefore, **ORDERED** that the *Findings of Fact and Recommendation on Guilty Plea* [Clerk's doc. #34] of the United States Magistrate Judge are **ADOPTED**. Defendant's plea agreement is conditionally **ACCEPTED** by the Court at this time. It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate's findings and recommendation, Defendant, Fernando Ayala a/k/a Jose Angel Acuna, is hereby adjudged as guilty on **Count 1** of the charging **Information**, charging violations of Title 18, United States Code, Section 1952(a)(3).

SIGNED this the **16** day of **March, 2006**.


Thad Heartfield
United States District Judge